

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

KEITH DOUGHERTY

v.

ERIE INSURANCE EXCHANGE, ET AL.

*

*

*

*

*

*

Civil No. – JFM-14-480

MEMORANDUM

Four of the defendants, Erie Insurance Exchange, Jim Burkholder, Robert Simmonds, and Nicole R. Gehret have filed a motion to dismiss this action. The motion will be granted. Furthermore, because the basis for my ruling applies to the two other named defendants, R. G. Smith, and the Cumberland Insurance Fraud Unit, the action will be dismissed *sua sponte* as to them.

One of the plaintiffs, Keith Dougherty, has been described by the Third Circuit as “a frequent and a frequently vexatious litigator.” *In re Dougherty* WL 1347003, at *1 (3d. Cir. Apr. 7, 2014).¹ The present case certainly falls within the category of “vexatious litigation.” Plaintiff’s allegations are rambling and wholly conclusory, and the complaint fails to meet the requirement of Fed. R. Civ. P. 8(a) that plaintiffs provide “a short and plain statement of the claims showing that the pleader is entitled to relief.” Moreover, as just stated, plaintiff’s allegations are wholly conclusory and fail to meet the requirement imposed by the Supreme Court that a plaintiff allege sufficient fact to show that his claim is plausible. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

¹ I note that to the extent that Dougherty seeks to represent Larry Runk, II, he may be engaging in the unauthorized practice of law. Furthermore, his agreement with Runk appears to suggest that he is committing champerty.

A separate order granting defendant's motion to dismiss is being entered herewith and dismissing this case with prejudice.

Date: July 2, 2014

/s/
J. Frederick Motz
United States District Judge